

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO.: 05-11170MEL

JULIA HEAVERN, BY HER PARENTS AND )  
NEXT FRIENDS, DENISE AND PAUL HEAVERN, )  
NICOLE HEAVERN, BY HER PARENTS AND )  
NEXT FRIENDS, DENISE AND PAUL HEAVERN, )  
KERIN MITCHELL, BY HER PARENTS AND )  
NEXT FRIENDS, ELLEN AND JIM MITCHELL, )  
TAYLOR VIEIRA, BY HER PARENTS AND )  
NEXT FRIENDS, KATHY AND STEVE VIEIRA, )  
AND BRIAN VIEIRA, BY HIS PARENTS AND )  
NEXT FRIENDS, KATHY AND STEVE VIEIRA )  
Plaintiffs )

v. )

CAPITAL HOTEL COMPANY AND )  
ZURICH NORTH AMERICA )  
Defendants )

FILED  
CLERK'S OFFICE  
OCT 13 12:21  
DISTRICT COURT  
DISTRICT OF MASS

**DEFENDANT CAPITAL HOTEL COMPANY'S INITIAL DISCLOSURES  
PURSUANT TO FED. R. CIV. P. 26(a)(1) AND LOCAL RULES 26.1(B)  
AND 26.2**

Pursuant to Fed. R. Civ. P. 26(a)(1) and Local Rules  
26.1(B) and 26.2, defendant Capital Hotel Company hereby  
submits its initial disclosure statement.

**I. Fed. R. Civ. P. 26(a)(1)(A): Names of Individuals  
with Information Relevant to Disputed Facts:**

In addition to any and all individuals identified by the  
other parties to this action, the defendant identifies the  
following persons as individuals who may possess information  
relevant to the factual issues that are disputed among the  
plaintiffs and defendants:

1. Current and/or Former Employees of Capital Hotel  
Company:
  - a. Michael Scavotto;
  - b. Mark Austin;

- c. Robin Duquette;
- d. Cathi Tingley;
- e. Rose Reidsema;
- f. Lorne Boulet;
- g. Patricia Blanchard; and
- h. Pam Patoine.

2. Marriott Employee:

- a. Carla Prince, Marriott Guest Relations, (402) 390-4791

3. Business Entities:

- a. Ask a Nurse, (603) 626-2626
- b. Concord Hospital, (603) 225-2711

**II. Fed. R. Civ. P. 26(a)(1)(B): Description By Category and Location of All Documents Relevant to the Disputed Facts**

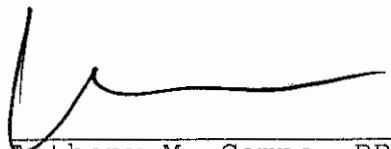
The defendant has produced herein all documents in its possession, custody or control reasonably believed to be relevant to the facts at issue. The defendant will produce other non-privileged materials as requested.

**III. Insurance Information**

At this time, Capital understands that it is insured for such a loss and that no reservation of rights has issued at this time. The defendant will supplement with policy information in a timely fashion.

THE DEFENDANT,  
CAPITAL HOTEL COMPANY,  
BY ITS ATTORNEY,

Date: 9/19/05

  
Anthony M. Campo, BBO# 552093  
Keith L. Sachs, BBO# 634025  
Boyle, Morrissey & Campo, P.C.  
695 Atlantic Avenue  
Boston, MA 02111  
(617) 451-2000  
FAX: (617) 451-5775

CERTIFICATE OF SERVICE

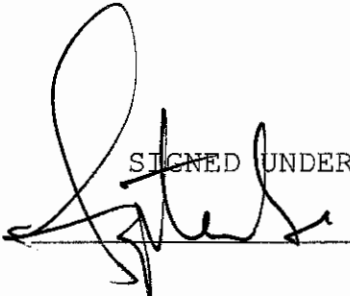
Pursuant to Fed. R. Civ. P. 5(a), I, Keith L. Sachs, do hereby certify that a copy of the foregoing documents have been served first-class postage prepaid on all parties or their representatives in this action as listed below:


COUNSEL FOR THE PLAINTIFF

Garrett J. Bradley, Esq.  
Thornton & Naumes, LLP  
100 Summer Street  
30<sup>th</sup> Floor  
Boston, MA 02110

COUNSEL FOR ZURICH NORTH AMERICA

Peter G. Hermes, Esq.  
Gina A. Fonte, Esq.  
Hermes, Netburn, O'Connor  
& Spearing, P.C.  
111 Devonshire Street  
Boston, MA 02109-5407

 SIGNED UNDER THE PENALTIES OF PERJURY THIS 19<sup>th</sup> DAY OF

  
Keith L. Sachs, BBO# 634025  
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